(3)

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4910 OF 2005

PETITIONER:

P.R. No. 4992 10/8
Presented by Shri Vinay Pandey
dated 23/9/05

Kamleshwar Prasad Mishra S/o- Shri Chakodi Prasad Mishra, Aged About- 54 Years, Occupation- Service (Vanpal), R/o- Village and Post Janakpur Thesil-Bharatpur, Distt.–Koria (C.G.)

VERSUS

RESPONDENT (S):

1. State of Chhattisgarh
Through it's Secretary
Department of Forest
D.K.S. Bhawan Raipur (C.G.)

2. Conservator of Forest
Forest Circle- Surguja, Ambikapur (C.G.)

3. Divisional Forest Officer
Forest Division- Koria (C.G.)

4. Collector Koria
Distt. Koria (C.G.)

RECEIVED-COPY
23-9-
A. C. BILASPUR
CLERK

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS / CERTIORARI ETC. OR DIRECTION / ORDER IN THE LIKE NATURE.

DETAILS OF THE PETITION

1. PARTICULARS OF THE PETITIONER

As mentioned in the cause title above.

2. PARTICULARS OF THE RESPONDENTS

As mentioned in the cause title above.

पथ आयुक्त
बिलासपुर (छ.ग.)
बिलासपुर तहसील क्षेत्र

(37)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4910 of 2005

Petitioner — Kamleshwar Prasad Mishra

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri Vinay Pandey, Advocate for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the respondents/State.

ORDER

(Passed on this 26th day of February, 2007)

The following order of the Court is passed by Satish K. Agnihotri, J.

1. The petitioner while working as Vanpal in the Forest Range, Bahrasi, District- Koria was transferred to Sonhat, Baikunthpur on the same terms and conditions vide impugned transfer order dated 9.9.2005 (Annexure P/1) within the same district.
2. This Court vide interim order dated 5.10.2005 directed that the impugned order in respect of the petitioner be not given effect to till the next date of hearing.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur